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Annual Report
on the Administration
of Criminal Justice
in the province
of Mysore
Year: 1880

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ANNUAL REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

PROVINCE OF MYSORE.

during the year 1880.

BY

J. D. SANDFORD, Esq., M. A., M. R. C. S., BARRISTER-AT-LAW,

Chief Judge of Mysore.

(WITH REVIEW BY SIR ARTHUR D. BERTRAM, K. C. S. I., RESIDENT IN MYSORE.)

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I have the honor to forward the Report on the administration of Criminal Justice in Mysore during the year 1880, together with the Statistical Returns Nos. 1 to 6 and 13 in the new forms recently prescribed by the Government of India.

2. *Tribunals.*—During the year under review, there were 27 Magistrates less than in 1879, and the decrease in the number of Magistrates was due to the withdrawal of magisterial powers from Sherristadars, and to the abolition of the office of Peshkars.

3. The subjoined statement exhibits the number of Magistrates and their powers as they existed on the last day of the year:—

Magistrates.		3rd Class Powers.	2nd Class Powers.	1st Class Powers.	Total.
Peshkar and Sheristadar	Nundydroog Division..	2	..	...	2
Amildars ...	Ashtagram ...	20	1	...	21
	Nundydroog ...	24	3	...	27
	Nagar ..	22	1	...	23
Munsiffs ...	Ashtagram ...	1	4	...	5
	Nundydroog ...	2	5	...	7
	Nagar ...	1	6	1	8
Assistant Commissioners	Ashtagram ...	...	...	3	3
	Nundydroog ...	...	2	5	7
	Nagar ...	...	2	3	5
Sub-Judges	Ashtagram ...	...	...	1	1
	Nundydroog ...	...	...	2	2
	Nagar ...	..	...	3	3
Town and Cantonment Magistrates	Ashtagram ...	...	...	1	1
	Nundydroog ...	...	...	2	2
District Magistrates ...	Ashtagram ...	..	...	2	2
	Nundydroog ...	...	...	3	3
	Nagar ...	..	...	3	3
	Total.....	72	24	29	125

4. There were three Sessions Judges and the Judicial Commissioner ex criminal jurisdiction.

5. *Territorial Change.*—The only territorial change effected during the year under report was the addition to the Hassan District of 20 and 19 villages from the Kadur and Tumkúr Districts, comprising an area of 52 square miles with a population of 6,039.

6. *Offences reported.*—There were 11,656 offences reported during the year showing, apparently, an increase of 364 offences as against the previous year. The Deputy Commissioner of Tumkúr has accounted for this increase in the number of offences by pointing out that the present return under column 2 gives the number of offences reported, while the old return exhibited the number of offences actually brought to trial after striking off cases returned as false.

7. The total number of offences returned as true was 9,695 against 11,292 in the previous year. This gives a decrease of 14 per cent.

8. Offences affecting human body and against property falling under Chapters XVI and XVII of the Indian Penal Code have fallen by 17·5 per cent.

9. False evidence and offences against public justice and offences of criminal intimidation show a decrease respectively of 55·7 and 21 per cent.

10. There has been an increase in the following classes of offences :—

	1879.	1880.	Increase.
Offences relating to public servants	25	36	11
Relating to religion	1	8	7
Offences affecting public health, &c.	116	215	99
Miscarriage and exposure of infants	31	46	15
Wrongful restraint and confinement	158	279	121
Kidnapping	12	20	8
Cheating	41	59	18
Fraudulent deeds and disposition of property ...	2	3	1
Criminal breach of contract of service	1	4	3
Offences relating to marriage	35	52	17
Do under local and special laws	2,000	2,036	36

11. The increase under the head of "Wrongful restraint and confinement" and offences affecting public health appears to be large. The latter increase is probably due to a stricter enforcement of municipal rules; the former to private disputes; and neither is of any importance as bearing upon the state of crime.

12. Including 141 persons pending trial at the end of the preceding year, the total number of persons brought to trial during the year was 18,989 as against 20,679 in 1879. Of these 9,618 or 50·6 per cent were discharged or acquitted; 9,242 or 48·6 per cent convicted and 25 died, escaped or transferred, leaving 104 persons pending trial at the end of the year.

13. The proportion of convictions to the total number tried was exactly the same as it was in the preceding year, being 48·8 per cent.

14. The following table exhibits the trial of heinous offences with their results as compared with the figures of 1879 :—

		Persons brought to Trial.	Acquitted or discharged	Convicted.	Died, &c.	Pending.	Percentage of Conviction.
Offences relating to coin, &c. ...	1880...	39	17	22	...	...	56·4
	1879 ..	52	22	30	...	...	57·7
Offences affecting life. ...	1880...	169	82	84	...	2	50·0
	1879...	172	92	68	...	12	39·9
Miscarriage &c	1880...	66	34	26	1	5	39·4
	1879...	44	16	22	...	6	50·0
Kidnapping or abduction ...	1880...	37	28	5	...	4	13·5
	1879...	26	21	2	...	3	7·4
Rape.	1880..	19	14	5	...	...	26·3
	1879...	14	9	5	...	...	35·7
Theft	1880...	2,283	971	1,293	4	15	56·6
	1879...	3,409	1,331	2,050	...	28	60·1
Robbery and Dacoity ...	1880...	490	302	158	17	13	32·2
	1879...	453	253	179	...	21	37·3
Receiving stolen property ...	1880...	91	46	45	...	...	49·9
	1879...	138	56	80	...	2	65·3
Criminal breach of trust ...	1880...	164	71	79	1	13	48·2
	1879...	245	115	125	...	5	51 0
Criminal misappropriation ...	1880...	132	80	51	...	1	38·6
	1879...	234	137	97.	...	. .	41·4
Extortion	1880...	77	69	8	...	...	10·4
	1879...	86	53	32	...	1	37·2
False evidence and offences against public justice	1880...	129	52	77	...	...	59·6
	1879...	238	133	103	...	2	43·3
Forgery and offences relating to documents	1880...	52	40	7	...	5	13·4
	1879...	79	38	39	...	2	49·3
Total...	1880...	3,747	1,806	1,860	23	58	49·6
	1879...	5,190	2,276	2,832	...	82	54·5

15. It will be seen that except in the case of offences affecting life, the percentage of convictions is not so high as it was in 1879.

16. *Trial by Magistrates.*—Eighteen thousand, nine hundred and fifty-one persons were placed for trial before Magistrates of all classes against 20,186 in 1879. Of these 9,424 or 49·7 per cent were discharged or acquitted, 9,003 or 47·5 per cent convicted, 415 or ·21 per cent were committed or referred to higher courts, and 15 died, escaped or transferred, leaving 94 pending at the end of the year.

17 Out of 9,003 persons convicted by the Magistrates, 2,476 or 27 5 per cent were convicted on summary trials.

18. Fifty-nine persons were referred to District and Divisional Magistrates under Section 46 of the Code of Criminal Procedure, to receive enhanced punishment, of whom 14 were discharged or acquitted and 45 convicted.

19. *Sessions Trials.*—Four hundred and fifty-two persons were brought to trial before the Courts of Sessions against 491 in 1879, 194 or 42·9 per cent were discharged or acquitted, 238 or 52·6 per cent convicted, and 10 died, escaped or transferred, leaving 10 pending trial at the end of the year.

20. The Judicial Commissioner tried as Sessions Judge a Police Inspector, an European British subject, who was committed by the 1st Magistrate of the Town and Cantonment of Bangalore on a charge of wrongful confinement under Section 348 of the Indian Penal Code

21. *European British Subjects.*—Thirty-two cases involving 34 European British subjects were brought for trial before the Town and Cantonment Magistrate of Bangalore as against 66 involving 75 prisoners in 1879. They were disposed of as follows —

	Cases.	Persons.
Withdrawn..	1	1
Struck off for default	3	3
Committed to the Court of Judicial Commissioner..	1	1
Convicted	22	24
Acquitted	5	5
Total....	32	34

22. The proportion of convictions to the number of persons tried in the Magistrates' and Sessions' Courts, as compared with the results of 1879, is exhibited in the following table :—

		Persons tried.	Convicted.	Percentage.
Magistrates' Courts	1880	18,427	9,003	48·9
	1879	19,752	9,769	49·4
Sessions' Courts	1880	433	239	55·2
	1879	455	274	60·2

23. One hundred and seventy-six cases were disposed of by the Sessions Courts with the aid of Assessors. In 138 of them the Judges agreed with the Assessors.

24. *Average Duration.*—The average duration was 3 days against 4 in 1879. This result is satisfactory.

25. The average duration in the Sessions Courts was as follows :—

Ashtagram	2·2	days.
Nundydroog	5·3	"
Nagar	3·3	"

26. *Witnesses examined.*—The total number of witnesses examined was 35,892 against 38,304, ; of these 1,456 or 4·0 per cent were examined before the Sessions Courts, and the rest 96 per cent before the Magistrates.

27. 576 persons were dealt with by the Magistrates in the exercise of their preventive or miscellaneous jurisdiction ; of whom 206 were discharged and against 370 orders were passed.

28. 47·83 per cent of the persons thus dealt with were in respect of proceedings held under Chapter XVI of the Code of Criminal Procedure for frivolous and vexatious complaints ; and the number punished in respect of security for good behaviour bore a proportion of 26·21 per cent.

29. *Punishments.*—The detail of punishments inflicted as compared with the figures of 1879 is exhibited in the following table :—

	1879.	1880.
Death	11	14
Transportation	41	22
Imprisonment { Rigorous	1,827	1,752
Imprisonment { Simple	245	241
Fine	7,286	7,344
Whipping	571	284
Ordered to find security	62	108
Imprisoned in default of security for good behaviour	..	94
Total....	10,043	9,859

30. It will thus be seen that the sentences of death increased by 3, while the sentences of transportation decreased by 19.

31. The sentences of imprisonment with and without fine have been 20 per cent, while the proportion of similar punishment in the previous year was 29·92 per cent.

32. The sentences of fine were in excess of the previous year by 2 per cent being 74·5 against 72·5 in 1879.

33. Out of 2,087 persons sentenced to imprisonment, 701 or 33·6 per cent were sentenced to 15 days and under; 912 or 43·7 per cent for periods between 15 days and 6 months; 347 or 16·6 per cent for periods between 6 months and 2 years; 118 or 5·7 per cent for periods between 2 and 7 years; and 9 or ·4 per cent for periods above 7 years

34. The proportion of the sentences of whipping to the total number of punishments fell from 5·6 per cent to 2·9 per cent, and it is shown that this mode of punishment has been less frequently resorted to during the year under review.

35. *Fines.*—The total amount of fines imposed during the year was Rs. 60,957—2—0 as against Rs. 66,503—6—0 in 1879. Out of this sum Rs. 50,774—11—10 or 83·3 per cent were realized as against 74 per cent in the previous year. This increase of recovery is a clear indication that the courts have paid greater attention to the circumstances of the accused in awarding the sentences of fine.

36. 10 7 per cent of the fines recovered have been paid as compensation to accused persons against only 7·7 per cent in 1879, and it is satisfactory to observe that the courts have made greater use of this provision of the code.

37. Criminal Appeals.—*Appeals.*—The total number of appeals for disposal before the Courts of the Magistrates and of Sessions was 502 as against 545 in 1879 showing a decrease of 43 appeals. Of these 346 or 70·9 per cent were from the sentences of the 2nd and 3rd Class Magistrates, and 156 or 29·1 per cent were from the sentences of the 1st Class Magistrates.

38. The manner of disposal of appeals is exhibited in the subjoined table:—

68 or	13·5	per cent	were rejected under Section 278, C. P. C.	
173 or	34·5	do	sentences confirmed.	
69 or	13·7	do	do	reduced or altered.
177 or	35·3	do	do	reversed.
2 or	·4	do	do	enhanced.
6 or	1·2	do	do	new trial or further enquiry ordered.
7 or	1·4	do	pending at the end of the year.	

39. The proportion of reversals to the total number of appeals for disposal was less favorable than in the previous year being 35·3 per cent against 34 per cent in 1879.

40. In the Sessions Courts the percentage of reversals was 22·4, while in the Magistrates' Courts' it was 41 per cent.

41. The average duration of appeals in the Magistrates' Courts was 5 days, and in the Sessions Courts 10 days, as compared with 12 and 18 days respectively in the preceding year.

42. *Judicial Commissioner's Court.*—There were 160 appeals for disposal by the Judicial Commissioner as against 175 in the preceding year; 159 of them were appeals preferred by convicted persons, and 1 by Government from a judgment of acquittal in the Mysore mail robbery case under Section 272, Criminal Procedure Code.

43. Eighty-one of these appeals were rejected without issuing notice to the prosecution under Section 278 of the Code of Criminal Procedure. In 47 appeals the sentences were confirmed, reduced in 10, enhanced in 1, and reversed in 19. There were 2 appeals pending at the end of the year.

44. In the case in which the sentence was enhanced, a Police Jamadar in the Tumkúr District was convicted by the Sessions Judge of Nundydroog of the offence of wrongful confinement under Section 348 of the Indian Penal Code, and sentenced to 6

months' rigorous imprisonment for detaining some villagers in Police custody with a view to extort information regarding an alleged murder. The sentence was enhanced to one year's rigorous imprisonment, on the ground that such illegal proceedings were, it is to be feared, not uncommon with the Police, and with a view to check official oppression of the people of the country. Portion of the sentence was, however, subsequently remitted.

45. The case of appeal preferred by Government from a judgment of acquittal was in respect of 5 persons who were indicted before the Sessions Judge of Ashtagram of having committed dacoity on a mail runner on the Mysore road. The appeal was dismissed, although there were points in the case that made it a proper one for appeal.

46. One case of appeal from a capital sentence was disposed of by a Bench of Judges consisting of Mr. Thumboo Chetty, Sessions Judge of Nundydroog, and myself under the Rules sanctioned in Notification of the Government of India No. 282 I. J., dated 10th October 1879 ; the result was that the sentence of death was set aside on a point of law, *viz*, the inadmissibility of a confession made to an Amildar exercising Police functions, and the prisoner ordered to be released.

47. *As a Court of Revision.*—There were 164 cases for revision before the Judicial Commissioner as against 147 in 1879 ; 113 of these cases were sent up by the District Magistrates and Sessions Judges, 13 were called for and taken up on review of quarterly returns and on inspection of courts, and 38 were sent for on applications presented by parties.

48. The total number of prisoners involved in these cases was 326. They were disposed of with the following results :—

Sentences confirmed	105
Do reversed	131
Do reduced	21
Do enhanced	3
Proceedings quashed	3
Interference declined	46
New trial or further enquiry ordered	10
Pending	7
Total.. ..	326

49. The sentence was enhanced in the case of a peon in the Bangalore Small Cause Court, who was convicted of selling court fees stamps which had been previously used, and sentenced to 7 days' simple imprisonment and to pay a fine of Rs. 20. The inadequacy of the sentence was brought to notice by the Sessions Judge of Nundydroog. Having regard to the position of the accused as a public servant, which afforded him facilities to commit such offence without fear of detection against the Government, whose interest he was bound to protect, and with a view to deter others from resorting to this mode of illegal gain, his sentence was enhanced to 2 years' rigorous imprisonment.

50. In the 2nd case, the sentence of the prisoner who was convicted for delivering 2 counterfeit Queen's rupees, under Section 240, Indian Penal Code, was enhanced from 6 months to 18 months' rigorous imprisonment.

51. In the 3rd case, to the sentence of fine, imprisonment was ordered to be added, as the prisoner was convicted under Section 451, Indian Penal Code, of an offence which the law requires to be punished with imprisonment.

52. *References for confirmation of Sentences of Death.*—The number of capital sentences referred for confirmation increased from 11 to 14. Of these 4 were from the Sessions Judge of Nundydroog, 4 from Ashtagram and 6 from Nagar.

53. The sentences were confirmed in the case of 10 prisoners from the Ashtagram and Nagar Divisions. Out of those received from the Nundydroog Division, in two the sentences were confirmed, and in one commuted to transportation for life, and in the remaining case the conviction and sentence was set aside.

54. All these prisoners, with the exception of one, preferred appeals.

55. The Judicial Commissioner has had no reason to be dissatisfied with the administration of criminal justice by the subordinate courts throughout the year, so far as it has come to his notice.

BANGALORE,
16th *May* 1881.

J. D. SANDFORD,
Chief Judge.

JUDICIAL STATEMENT 1.—CIVIL AND CRIMINAL.

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Province of Mysore, on the last day of the year 1880 with the cost of Tribunals.

Name of Province.		Area.	Population.	Number of Divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.	Total Number of Officers exercising Original or Appellate Jurisdiction.					Total Number of Cases decided.				Total Receipts of the Courts.	Total Charges of the Courts.	Remarks.
							Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeals.				
												Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Province of Mysore — Territory subject to the Judicial Commissioner's Court	Civil ...	27,103	5,055,412	3	8	...	1	...	3	9	22	17,461	5,063	1,090	124	39,061—4—8	3,73,521-2-5	
	Criminal	27,103	5,055,412	3	8	...	1	3	8	49	72	10,076	763	530	13	27,481—14—2	2,87,004-5-8	

Grades of Courts.		Original.		Appellate.	
		Criminal.	Civil.	Criminal.	Civil.
Native Officers ...	Peshkars and Sheristadars	2	...	...	...
	Amildars	70	...	..	...
	Munsiffs	20	22	1	...
	2nd Magistrate of Bangalore Town and Cantonment.	1	...	...	...
	Town Magistrate, Mysore ...	1	...	...	...
	Subordinate Judges	6	8	3	8
	General Assistant Commissioners ...	16	...	8	...
	Deputy Commissioners	5	...	5	...
	District and Sessions Judges ...	1	1	1	1
European Officers...	Town and Cantonment Magistrate and Judge of Bangalore Court of Small Causes.	1	1	1	...
	Deputy Commissioners	3	...	3	...
	District and Sessions Judges ...	2	2	2	2
	Chief Judge of Mysore	1	1	1	1
	Total.....	129	35	25	12

JUDICIAL STATEMENT 2.—CRIMINAL.

Statement of Offences reported and of Persons tried, convicted and acquitted of each Class of Offence in the Province of Mysore in the year 1880.

Description of Offences	Number of Offences reported.	Number of Cases returned as true.	Number of cases brought to trial during the year	Number of Persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code...	...	...	...	...	...	...	...	...	
Do relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
Do against the public tranquillity „ VIII	133	122	123	634	258	376	...	...	
Do by or relating to public servants „ IX	40	36	38	51	32	19	...	...	
Contempts of the lawful authority of public servants „ X	80	72	79	130	49	80	...	1	
False evidence and offences against public justice. „ XI.	101	92	106	129	52	77	...	...	
Offences relating to coin and Government stamps „ XII.	36	31	29	39	17	22	...	...	
Do relating to weights and measures „ XIII.	35	34	35	64	32	32	...	...	
Do affecting the public health, safety, convenience, decency and morals „ XIV	248	215	218	581	166	415	...	...	
Do relating to religion „ XV.	8	8	7	21	14	7	...	...	
Offences affecting the human body, Chapter XVI ... — Offences affecting life ...	139	104	139	168	82	84	...	2	
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	70	46	61	66	34	26	1	5	
Hurt	1,488	1,216	1,239	2,443	1,411	1,017	...	15	
Wrongful restraint and wrongful confinement ..	370	279	297	651	477	169	1	4	
Criminal force and assault ..	1,990	1,826	2,000	3,928	2,896	1,029	1	2	
Kidnapping, forcible abduction, slavery and forced labor ..	33	20	24	37	23	5	...	4	
Rape ...	21	14	21	19	14	5	...	..	
Unnatural offence	..	..	..	...	.	...	...	...	
Offences against property, Chapter XVI. — Theft ...	2,330	1,539	1,548	2,283	971	1,293	4	15	
Extortion ..	34	28	30	77	69	8	...	...	
Robbery and dacoity	208	123	144	490	302	158	17	13	
Criminal misappropriation of property ..	108	95	103	132	80	51	...	1	
Criminal breach of trust ..	154	123	141	164	71	79	1	13	
Receiving of stolen property	65	47	57	91	46	45	...	...	
Cheating ..	59	59	52	62	34	25	...	3	
Fraudulent deeds and disposition of property ..	4	3	2	4	2	2	..	...	
Mischief ...	351	303	327	580	405	173	...	2	
Criminal trespass	719	414	421	940	553	378	..	9	
Offences relating to documents and to trade or property marks Chapter XVIII.	41	37	32	52	40	7	...	5	
Criminal breach of contracts of service „ XIX..	4	4	4	5	4	1	...	...	
Offences relating to marriage „ XX.	57	52	67	77	57	19	...	1	
Defamation „ XXI...	37	24	25	74	67	7	...	...	
Criminal intimidation, insult and annoyance „ XXII...	615	593	606	934	600	327	...	7	
Offences under special and local laws ...	2,078	2,038	2,055	4,063	755	3,306	...	2	
Total	11,856	9,695	10,050	18,989	9,618	9,242	25	104	

JUDICIAL STATEMENT 3.—CRIMINAL.

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of Mysore during 1880.

Nature of Proceedings.	Total number of Cases before the Courts during the year.	Number of Persons concerned.	Number of Persons discharged.	Number of Persons convicted.	Remarks.
1	2	3	4	5	6
1. Frivolous or vexatious complaints summarily dealt with under Chapter XVI, Section 209	186	275	98	177	
2. Proceedings against witnesses under Chapter XXVI	..	...	...	...	
3. Forfeiture of bail or recognizance under Chapter XXVIII	11	23	1	22	
4 Non-attendance of Jurors or Assessors, Chapter XXIX, Section 414	2	2	...	2	
5. Contempts of Court under Chapter XXXII	1	1	..	1	
6. Proceedings under Chapter XXXVII to prevent breach of the peace	8	25	4	21	
7. Security for good behaviour under Chapter XXXVIII	54	139	42	97	
8. Proceedings against local nuisances, Chapter XXXIX	19	19	14	5	
9. Possession, Chapter XL	17	21	13	8	
10. Maintenance, Chapter XLI	70	71	34	37	
Total.....	359	576	206	370	

JUDICIAL STATEMENT 4.—CRIMINAL.

Statement showing the General Result of Criminal Trials in the Tribunals of various classes in the Province of Mysore during 1880.

Class of Courts.	Total Number of persons under trial.	Persons whose Cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped or transferred to another Province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	..	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates: Special Magistrates under Section 42... ...	3	...	...	3	...	...	...	2	10·50	7	
Subordinate Magistrates: Honorary Magistrates sitting singly	25	...	13	12	...	...	...	15	6·56	101	
Subordinate Magistrates: Stipendiary Magistrates sitting singly ...	18,517	15	9,235	6,358	2,423	393	93	9,657	3·8	33,470	
Subordinate Magistrates: Benches of Magistrates	...	...	...	...	...	...	...	...	...	...	
District and Divisional Magistrates,—Cases referred under Section 46, C. P. C.	59	...	14	45	...	...	...	35	1·0	3	
Chief Magistrates of Districts	347	...	162	109	53	22	1	160	4·18	855	
Courts of Sessions	452	10	194	238	...	...	10	206	1·75	1,448	
Superior Courts (Judicial Commissioner)	1	...	...	1	...	...	...	1	3·0	8	
Total	19,404	25	9,618	6,766	2,476	415	104	10,076	3·59	35,892	

JUDICIAL STATEMENT 5.—CRIMINAL.

Statement showing the Punishments inflicted by the various Criminal Tribunals in the Province of Mysore in the year 1880.

Class of Tribunal.	Persons sentenced to—										Detail of Punishment.																Number of boys whose sentences were commuted to detention in a Reformatory School.
				Imprisonment.							Fine.									Imprisonment.				Whipped.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years	10 stripes and under.	20 stripes and under.	30 stripes and under.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Village Officers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under Section 42 ...	...	...	...	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	2	...	...	...	...	...	...
Honorary Magistrates sitting singly ...	...	...	...	3	...	...	9	..	...	...	4	5	...	...	...	...	149-0-0	149-0-0	30-0-0	...	1	2	...	...	...	...	...	...
Stipendiary Magistrates sitting singly ...	...	...	...	1,447	230	...	7,163	271	78	73	6,520	575	46	17	5	...	41,314-1-6	39,021-3-6	3,947-0-9	696	839	215	...	...	75	119	77	1
Benches of Magistrates ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	...	...	...
District and Divisional Magistrates. Cases referred under Section 46 C. P. C. ...	...	...	...	33	2	...	10	6	...	...	2	6	1	1	...	...	617-0-0	174-5-7	...	1	15	19	...	...	2	4	...	...
Chief Magistrates of Districts ...	...	...	...	73	3	...	89	6	30	21	39	30	10	8	2	...	7,620-0-0	5,231-12-2	2,396-10-4	3	34	60	...	...	2	3	1	...
Courts of Sessions ...	14	22	...	194	4	...	72	1	...	...	3	43	16	7	3	...	7,756-12-6	6,198-6-7	155-13-4	1	21	49	118	9	...	...	1	..
Superior Courts, Judicial Commissioner's Court	...	...	...	...	1	...	1	...	...	...	...	...	...	1	...	...	500-0-0	...	..	...	1	...	...	...	...	...	...	...
Total.....	14	22	...	1,752	241	...	7,344	284	108	94	6,568	659	73	34	10	...	60,957-2-0	50774-11-10	6,529-8-5	701	912	347	118	9	79	126	79	1

Statement showing the Result of Appeal and Revision in Criminal Cases in the Province of Mysore in the year 1880.

Tribunals.	Number of Persons.												Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
APPEALS.													
To Chief Magistrates of Districts ...	346	...	27	115	1	54	142	...	...	...	7	5·43	
,, Courts of Sessions ...	156	...	31	58	1	15	35	...	6	...	...	10·33	
,, Superior Courts (Judicial Commissioner's Court) — By persons convicted	159	...	50	47	1	16	19	...	...	...	2	17·5	
,, Superior Courts (Judicial Commissioner's Court) — By Government from judgment of acquittal ...	1	...	1	...	...	...	...	...	...	...	...	17·5	
Total	662	...	149	220	3	70	196	...	6	...	9	...	
REVISION.													
To Chief Magistrates of Districts ...	...	...	...	...	...	...	...	...	...	...	...	...	
,, Courts of Sessions ...	...	...	...	...	...	...	...	...	...	...	...	...	
,, Superior Courts (Judicial Commissioner's Court)	326	...	46	105	2	21	131	3	10	...	7	6·0	
Total	326	...	46	105	2	21	131	3	10	...	7	6·0	
Grand Total ...	988	...	195	325	6	100	327	3	16	...	16	...	

JUDICIAL STATEMENT 13—CRIMINAL.

Statement showing Use of Juries and Assessors in the Civil and Criminal Courts in the Province of Mysore in the year 1880.

Courts of Courts in which Juries or Assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case, and proportion of additions.	Number of cases tried by Jury.	Number of cases tried with Assessors.	Jury Trials.					Assessors' Trials.			Remarks.
				Cases in which the Judge empaneled the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with Assessors.	Number of cases in which Judge differed from—		
					Wholly.	Partially.	Whose cases he referred under Section 363, C. P. C.	Whose cases he did not refer under Section 363, C. P. C.		One Assessor.	Both Assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I. Civil Courts.												
Civil Courts of Districts (or officer specially empowered) acting under Act X. of 1876 ... ... Assessors...	...	...	...	...	...	...	...	...	...	...	...	
II. Criminal Courts.												
Magistrates' Courts under Chapter XXXIX, C. P. C. ... Assessors...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Sessions ... ... Assessors...	3	...	175	...	...	...	...	...	138	4	33	
Judicial Commissioner's Court, Criminal Jurisdiction ... Assessors...	2	...	1	...	...	...	...	...	...	1	...	
Total...	...	...	176	...	...	...	...	...	138		33	

J. D. SANDFORD,
Chief Judge.

Mysore Government Press, Bangalore.—27-6-81.—175.

Proceedings of the Resident in Mysore,
(Judicial),—dated 28th June 1881.

READ—

Annual Report on the Administration of Criminal Justice in the Province of Mysore during the year 1880.

No. 646-J.212, DATED CAMP MYSORE, 28TH JUNE 1881.

REVIEW.—In reviewing the report for 1879 it was remarked that Munsiff Magistrates had to a great extent supplanted the old machinery of Taluk Magistracy. The change has now been fully carried into effect, the Amildar still retains his Magisterial powers, but as he has also the charge of the Police of the taluk, it would not be fitting that he should enquire magisterially into cases that the Police had already investigated. Nor could his subordinates—the Peshkars and Sheristadars—will take those cases. It is on this account, and also with a view of improving the subordinate magistracy, for Peshkars and Sheristadars were not strong as Magistrates, that Munsiffs have been invested with powers; while Sheristadars' powers have been withdrawn, and the office of Peshkar has been abolished in the re-organization of establishments recently effected.

2. The number of Magistrates stood, therefore, in 1880 at 125, being 27 less than in 1879. But this still gives nearly an average of two for every taluk in the Province and there does not seem to have arisen any practical inconvenience from paucity of numbers.

3. In 1880 there were 11,656 offences reported, of which 9,695 actually occurred, and as it seems that in previous years' reports the return given as of 'offences reported' comprised only those which had actually occurred after eliminating the false reports, this figure 9,695 must be compared with 11,292 in 1879, thus showing that the decrease in crime which had been strongly marked in the two previous years was still maintained. What is more the total decrease is not so great proportionally as is the diminution in grave crime, offences affecting the human body and against property, for instance having fallen by 17·5 per cent; and in fact the year's statistics again exemplify what was noticed in the review of the report for 1879: that, as grave crime decreases, small offences, and especially such offences as breaches of municipal laws, offences relating to public servants, and offences arising from private disputes, increase: the main reason being no doubt that rules are more strictly enforced, and little injuries and petty quarrels are more seriously treated in times of plenty and ease, than in days of difficulty and trouble.

4. It is observed that including 141 persons pending trial at the beginning of the year there were 18,989 brought to trial, of whom 104 were left pending at the end of the year. In 1879 the total number was a little larger, being 20,679, but of the number actually tried in each year, the same percentage, 48·8, were convicted.

5. In Magisterial Courts 18,951 persons were brought to trial, of whom 415 were committed or referred to higher courts, 15 died, escaped or were transferred, 94 were pending at the close of the year and 18,427 were tried. Of the latter 9,003 were convicted. In Sessions Courts 452 persons were brought to trial; deducting those pending and those who died, escaped or were transferred, there were 432 tried, of whom 238 were convicted. It is observed however that there is a slight discrepancy in the figures, given at paras 16 and 22 of the report, in respect of the number of persons tried and convicted in Courts of Session. In the table given in the latter is no doubt included the one person whom the Judicial Commissioner tried as a Court of Session. It appears that the Town and Cantonment Magistrate of Bangalore was the only Magistrate before whom any European British subjects were brought to trial. Of 34 who appeared before him he convicted 24 and committed one for trial. He was convicted by the Court of the Judicial Commissioner.

6. A further improvement has been displayed by all courts in the duration of cases. Those in Magistrates' Courts only lasted on an average 3 days, and the duration of cases in the Courts of Session varied from 2·2 days in Ashtagram to 5·3 days in Nundydroog.

7. Sir James Gordon had, more than once during the year, occasion to remark that there was a tendency to punish grave crime too lightly, and it may be gathered from some statistics in the report that the courts have erred on the side of leniency. Thus it appears that at least 296 persons were imprisoned for robbery and dacoity, but only 127 persons have been imprisoned for over 2 years, for all offences, and of these but 9 were imprisoned for more than 7 years. Great as has been the decrease, of late years, in heinous crime of this description, there were still in 1880 many dacoities of a very serious nature, showing considerable organization and great daring and it is feared that the punishment meted out to those who were convicted has barely been severe enough to deter others from following in their footsteps.

8. It is satisfactory to learn that so high a percentage as 83·3 has been realized on the amount awarded in fines, although the total sum Rs 60,957 is not much below the amount awarded in 1879 Rs. 66,503 when the smaller number of convictions is taken into consideration. This is a matter in which great improvement was required, and the results of the past two years have fortunately shown that improvement.

9. As is generally the case the proportion of appeals from sentences of conviction is greater in the higher courts, but the proportion of cases in which sentences have been reversed is greater in those appeals from the convictions of the lower courts. From the 96 Magistrates of the 2nd and 3rd Classes 346 appeals were preferred, and in 41 per cent the conviction was upset. From the 29 Courts of Magistrates of the 1st Class there were 156 appeals to the Sessions Courts, and in those 22·4 per cent were reversed. Then again there were 159 appeals from convictions preferred to the Court of the Judicial Commissioner, but in these the percentage of reversal was only 12. Only one appeal from an acquittal was preferred by Government. The Judicial Commissioner was of opinion that the case was a proper one for appeal, but he did not interfere with the finding of the court.

10. As a Court of Revision the Judicial Commissioner dealt with almost the same number of cases as he did in his capacity of Appellate Judge He revised 164 cases involving 326 prisoners, and in these he reversed the sentences passed on as many as 131 persons. In three revision cases and in one appeal the Judicial Commissioner enhanced the sentences passed.

W. J. CUNINGHAM,
Assistant to the Resident.